

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIVA RAMA RAO KOTAPATI,

Plaintiff,

v.

HAE YOUNG KIM, et al.,

Defendants.

CASE NO. C17-118 JCC

ORDER ON MOTION FOR
RECONSIDERATION

On February 9, 2017, Defendant filed an “Affidavit of Prejudice Pursuant to Title 28 § 144 Bias or Prejudice of Judge.” Dkt. #16. In it, Defendant alleged that he “has reason to believe that Judge Coughenour is biased and prejudiced against pro se’ litigants, insofar I cannot receive a fair trial I am reasonable (*sic*) informed he can favor Creditors as well.” *Id.* at 2. It appeared that he had come to this conclusion after a review of Judge Coughenour’s biography. *Id.* Judge Coughenour declined to recuse himself (Dkt. #19) and this Court, concurring with Judge Coughenour’s observation that “[c]onclusory statements about how Defendant perceives Judge Coughenour are not sufficient” (*id.* at 1), affirmed the refusal to recuse. Dkt. #22. Defendant has now filed a request that the Court reconsider that order.

Under Local Rule 7(h),

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior

1 ruling or a showing of new facts or legal authority which could not have
2 been brought to its attention earlier with reasonable diligence.

3 Defendant alleges a “manifest error” in the ruling upholding the presiding judge’s refusal to
4 recuse himself. He quotes 28 U.S.C. § 144 to the effect that “[t]he affidavit shall state the facts
5 and the reasons for the belief that bias or prejudice exists” in support of his contention that his
6 belief that Judge Coughenour is biased or prejudiced is sufficient to merit recusal.

7 Defendant is mistaken. The section he quotes clearly states that his belief must be based
8 on “facts and reasons,” which he failed to provide in support of his request. He is further
9 mistaken in his assertion that motions to recuse in federal court are “similar to state law
10 affidavits of prejudice RCW 4.12.050 which gives a party a one-time chance before trial to
11 replace a Judge.” Dkt. #23 at 2. Federal court recusal procedures differ from those of the
12 Washington state courts in that a federal litigant must come forward with “facts and reasons” to
13 support a recusal motion or it will be denied.

14 The Court’s prior ruling contains no manifest error. Defendant’s motion for recusal was
15 properly denied, and his motion for reconsideration (Dkt. #23) is likewise DENIED.

16 The Clerk shall provide copies of this Order to Plaintiff and all counsel of record.

17 Dated this 10th day of March 2017.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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